

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Attorney Docket No. 08-349-WO-US)**

**PATENT**

<b>In re Application of: Holtet <i>et al.</i></b>	)	
	)	
<b>Serial No.: 10/533,290</b>	)	<b>Before the Examiner: P. M. Mertz</b>
	)	
<b>Filed: February 7, 2006</b>	)	<b>Group Art Unit: 1646</b>
	)	
<b>For: Trimeric Binding Proteins for Trimeric Cytokines</b>	)	<b>Confirmation No.: 6045</b>

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL AMENDMENT EXPRESSLY REQUESTED BY EXAMINER**

Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks.

As an initial matter, Applicants wish to thank Examiner Mertz for her participation in a telephonic Interview with Applicants' undersigned representative on February 2, 2010 to discuss proposed amendments to the claims for addressing possible issues under 35 U.S.C. § 112, as well as the possible filing of a terminal disclaimer with respect to U.S. Application No. 11/452,434 ("the '434 application"). Agreement regarding each of the above issues was not reached during the Interview. As requested by Examiner Mertz during the Interview, Applicants submit this Supplemental Amendment to amend the claims as proposed by the Examiner.

Applicants note that because the Supplemental Amendment was expressly requested by the Examiner, the submission of this Supplemental Amendment does not constitute a failure of the applicant "to engage in reasonable efforts to conclude prosecution (processing or examination) of the application." 37 C.F.R. § 1.704(a). More particularly, Applicants contend that this Supplemental Amendment does not constitute "[c]ircumstances that constitute a failure of applicant to engage in reasonable efforts to conclude processing or examination of an application" as defined in 37 C.F.R. § 1.704(c)(8), which exempts the "[s]ubmission of a supplemental reply or other paper [that has been] expressly requested by the examiner."

**Amendments to the Claims:** Pursuant to 37 C.F.R. § 1.121, Applicants present a complete listing of the claims, including marked up versions of all currently amended claims, at pages 3-4.

**Remarks:** Applicants' Remarks begin on page 5 of this paper.